

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|-------------------------------|---|-----------|
| MID-AMERICA PIPELINE COMPANY, |) | |
| |) | |
| Plaintiff, |) | 8:09CV370 |
| |) | |
| vs. |) | ORDER |
| |) | |
| WILSON EXCAVATING, INC. and |) | |
| DALE D. WILSON, |) | |
| |) | |
| Defendants. |) | |

This matter is before the court on the plaintiff's Motion in Limine ([Filing No. 83](#)). The court discussed the motion in limine with counsel for the parties during a conference held in chambers on March 1, 2011. The motion is granted, in part, and denied in part without prejudice. Additionally, the May 14, 2010, progression order ([Filing No. 34](#)) is amended as set forth below. Upon consideration,

IT IS ORDERED:

1. The plaintiff's Motion in Limine ([Filing No. 83](#)) is granted, as conceded by counsel for the defendants, with respect to any of the defendants' representatives testifying about the necessity or reasonableness of any repair cost. Otherwise, the motion is denied without prejudice.
2. The parties shall have to **on or before May 31, 2011**, to conduct discovery solely for the issue of whether the plaintiff was negligent in the following ways:
 - (a) in locating and maintaining its pipeline in a waterway;
 - (b) in failing to have protective ground cover over the pipeline; and
 - (c) in failing to comply with Pipeline Safety Regulations of the U.S. Department of Transportation - § 195.278 of the Code of Federal Regulations.
3. Expert Disclosures. Plaintiff shall serve the statement required by Fed. R. Civ. P. 26(a)(2) regarding each expert witness it expects to call to testify at trial by **April 15, 2011**, regarding the issues described in paragraph 2. Defendants shall serve the

statement required by Fed. R. Civ. P. 26(a)(2) regarding each expert witness they expect to call to testify at trial by **May 6, 2011**.

4. The Final Pretrial Conference with the undersigned magistrate judge is set for **June 17, 2011, at 2:00 p.m.** in chambers, Suite 2271, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska.

5. Trial is set to commence on **July 18, 2011**, in Omaha, Nebraska, before the Honorable Joseph F. Bataillon and a jury. Unless otherwise ordered, jury selection shall be at the commencement of trial.

DATED this 1st day of March, 2011.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge